

## **REMARKS/ARGUMENTS**

In response to the office action of March 9, 2006, Applicants have amended claims 1 and 7 and canceled without prejudice claims 2-4, which when considered with the following remarks, is deemed to place the present application in condition for allowance. Favorable consideration of all pending claims is respectfully requested.

The Examiner has made final the restriction requirement issued previously in this application. Claims 5, 7 and 11 have therefore been withdrawn by the Examiner. By this amendment, claims 2-4 have been canceled without prejudice. Claims 1-4 and 9 have been objected to as partially directed to non-elected subject matter. As presently amended, claims 1, 7, and 9 recite only subject matter previously elected by Applicants. Applicants reserve the right to file one or more divisional applications directed to the non-elected subject matter recited by the claims prior to this amendment. Withdrawal of the objection to claims 1-4 and 9 is therefore warranted.

Claims 1-4 and 9 have been rejected under 35 U.S.C. §102(b) as allegedly anticipated by Davis et al. (1992) *J. Med. Chem.* 35:177-184. Davis et al. has been cited for teaching 2,3-bisarylmaleimides, such as compound no. 69 in table V, page 180 of the reference. It is the Examiner's position that such compound corresponds to Applicants' elected invention of claims 1-4 and 9 wherein R is a radical of formula (a); R<sub>2</sub> and R<sub>3</sub> are hydrogen; R<sub>1</sub> is NR<sub>16</sub>R<sub>17</sub> wherein R<sub>16</sub> and R<sub>17</sub> are each hydrogen; Ra is methyl, Rb is hydrogen; and A is unsubstituted.

In order to advance prosecution of this application, claim 1 has been amended so that R as a radical of formula (a) has been deleted. Claims 2-4 have been canceled without prejudice. Applicants reserve the right to file one or more continuation applications directed to the subject matter of the deleted subject matter and/or canceled

claims. In view of the amendments to claim 1 and the cancellation of claims 2-4, withdrawal of the rejection of claims 1-4 and 9 as allegedly anticipated by Davis et al. is respectfully requested.

Claims 1-4 and 9 have also been rejected under 35 U.S.C. §102(b) as allegedly anticipated by Davis et al. U.S. Patent No. 5,057,614. Davis et al. has been cited for disclosing substituted pyrroles, medicaments and pharmaceutical compositions containing the same. The position of the Examiner is that the compound 3-(3-aminophenyl)-4-(1-methyl-3-indoyl)-1H-pyrrole-2,5-dione, corresponds to Applicants' claimed invention wherein R is a radical of formula (a) and wherein R<sub>2</sub> and R<sub>3</sub> are hydrogen; R<sub>1</sub> is NR<sub>16</sub>R<sub>17</sub> wherein R<sub>16</sub> and R<sub>17</sub> are each hydrogen, R<sub>a</sub> is methyl, R<sub>b</sub> is hydrogen; and A is unsubstituted.

In order to advance prosecution of this case, and as indicated above, claim 1 has been amended so that R as a radical of formula (a) has been deleted and claims 2-4 have been canceled without prejudice. Applicants reserve the right to file one or more continuation applications directed to the subject matter of the deleted subject matter and/or canceled claims. In view of the amendments to claim 1 and the cancellation of claims 2-4, withdrawal of the rejection of claims 1-4 and 9 under 35 U.S.C. § 102(b) as allegedly anticipated by Davis et al., is respectfully requested.

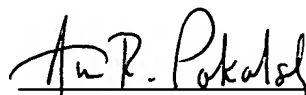
Claims 1-4 and 9 have been rejected under 35 U.S.C. §102(e) as allegedly anticipated by Gong et al., U.S. Patent No. 6,478,490. Gong et al. has been cited for disclosing 3-indoyl-4-phenyl-1-H-pyrrole-2,5-dione compounds and pharmaceutical compositions. In particular, Examples 5, 6, 34, II-1, II-2 and 17 allegedly disclose compounds which correspond to Applicants' compound of formula I wherein R is a

radical of formula (a), and wherein various substituents of formula (a) are as recited in Applicants' claims.

In order to advance prosecution of this case, and as indicated above, claim 1 has been amended so that R as a radical of formula (a) has been deleted and claims 2-4 have been canceled without prejudice. Withdrawal of the rejection of claims 1-4 and 9 under 35 U.S.C. § 102(e) as allegedly anticipated by Gong et al., is therefore respectfully requested.

In view of the foregoing remarks and amendments, it is respectfully submitted that the present claims are in condition for allowance, which action is earnestly solicited.

Respectfully submitted,

  
Ann R. Pokalsky  
Attorney for Applicants  
Reg. No. 34,697

Novartis  
Corporate Intellectual Property  
One Health Plaza, Building 430/2  
East Hanover, NJ 07936-1080  
(862) 778-7859

Date: September 11, 2006